

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:18-CR-00283(11)-ADA
	§	
(11) BENITO RODRIGUEZ	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On April 10, 2025 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (11) BENITO RODRIGUEZ, which alleged that Rodriguez violated a condition of his supervised release and recommended that Rodriguez 's supervised release be revoked (Clerk's Document No. 1105). A warrant issued and Rodriguez was arrested. On May 21, 2025, Rodriguez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Rodriguez appeared before the magistrate judge on June 3, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on June 3, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Rodriguez, the magistrate judge

recommends that this court continue Rodriguez supervised release. The magistrate judge recommends the additional following special conditions: the Defendant submit to in-patient or out-patient or other general substance abuse treatment as determined to be appropriate by the probation officer and that Mandatory Condition Number 3 be amended to require drug testing at a frequency as determined appropriate by the probation officer. Finally, it is RECOMMENDED that it be ORDERED that if Defendant again violates the terms of his supervised release, he be brought before the undersigned for any supervised release revocation hearing, if at all possible (Clerk's Document No. 1119).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On June 3, 2025, following the hearing on the motion to revoke supervised

release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 1118). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 1119) is hereby ACCEPTED AND ADOPTED by this court.

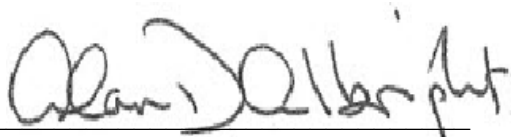
IT IS FURTHER ORDERED that Defendant (11) BENITO RODRIGUEZ's term of supervised release is hereby CONTINUED. In addition, defendant Rodriguez shall comply with the following special conditions:

The Defendant shall submit to in-patient or out-patient or other general substance abuse treatment as determined to be appropriate by the probation officer and that Mandatory Condition Number 3 be amended to require drug testing at a frequency as determined appropriate by the probation officer.

IT IS FURTHER ORDERED that if Defendant again violates the terms of his supervised release, he be brought before the Honorable Derek T. Gilliland for any supervised release revocation hearing, if at all possible.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 12th day of June, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE